

Draft

**BOARD OF COMMISSIONERS
WORK SESSION July 22, 2013**

**ALEXANDER COUNTY
STATE OF NORTH CAROLINA**

PRESENT: James “Burkie” Jennings, Chairman
Larry Yoder, Vice-Chairman
Ryan Mayberry
Judy M. Moose
W. Darrell Robertson

STAFF: Larissa Erkman, County Attorney
Rick French, County Manager
Russell Greene, Emergency Services Director
Seth Harris, County Planner
Josh Mitchell, Solid Waste Director
Jamie Starnes, Clerk to the Board
Lynn Teague, Chief Code Enforcement Officer

The Alexander County Board of Commissioners held a work session on Monday, July, 22, 2013 in the County Administration Building downstairs conference room, Taylorsville, North Carolina.

CALL TO ORDER

Chairman Jennings called the meeting to order at 6:00 PM.

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Robertson gave the invocation and Chairman Jennings led the Pledge of Allegiance to the Flag.

COMMISSIONER’S REPORT

Commissioner Moose stated she had been attending the new Stony Point Senior Center on Mondays and Wednesdays. She also thanked Josh Mitchell, Solid Waste Director, for solving a problem for her in Stony Point today.

Vice-Chairman Yoder announced that the State had adopted a budget today.

CODE ENFORCEMENT ISSUES / FIRE & ABANDONED STRUCTURES

Josh Mitchell, Solid Waste Director, advised that the most recent update to the Solid Waste Ordinance allowed staff to address casualty damaged solid waste in the county and work towards the clean-up of burned out and abandoned homes. The following burned properties are currently being pursued:

- Boyd Adams property on Highway 16 North – staff working with family.
- David Mash property on Paul Payne Store Road – papers ready to be served.
- George Paige property on Automotive Lane – court appointed attorney given and future court date scheduled.
- Albert Weaver property on Ruritan Park Road – staff preparing for future litigation.
- Edwin Garcia property on Hammer Road – court date scheduled.
- David Mack Sharpe property on Chigger Ridge Road – staff researching ownership of property.
- Logan Hefner property on Church Road – staff preparing for future litigation.

The following abandoned properties are currently being pursued:

- Eugene Deal property on Liledoun Road – hearing scheduled with staff.
- Glen Basham property on Heritage Farm Road – posted as unsafe.
- Wood Road properties – staff researching ownership of property.

Rick French, County Manager, requested approval from the Board to move forward with these properties, noting that more were to follow once these were completed. The Board agreed to allow staff authority to move forward as necessary.

Russell Greene, Emergency Services Director, discussed the possibility of allowing the fire departments to burn structures for training purposes, noting that 18 structures had been burned since October 2011 and that 6 more were pending. Fire departments will burn structures once a clean asbestos report is provided.

SOLID WASTE ENFORCEMENT

Josh Mitchell, Solid Waste Director, informed that Board that he had received 90 solid waste complaints last year and that 40 had been received so far this year. He advised that most complaints were reported in the fall when trees became bare and provided more visibility.

He provided before and after photos of several properties that had been cleaned up in the past year, including residences as well as roadside dump sites. Mr. Mitchell explained that, in the case of roadside dumping, staff attempted to locate names within the garbage to determine a responsible party.

ZONING ENFORCEMENT

Seth Harris, County Planner, discussed non-compliance cases as follows:

- Conditional Use 11-3 for Boliek / Wike tire store and automotive repair – property owner has not complied with conditions established by the Board on June 20, 2011.

Mr. Harris stated that warning letters were sent in the fall of 2012 and spring of 2013 with no response. The Zoning Ordinance calls for a revocation of the Conditional Use Permit after 10 days' notice to the property owner. The permit can be reinstated by the Board at a future public hearing.

- Kevin Sipe property on Starnes Court – property owner is operating a boat repair business on residentially zoned property without approval. Staff has sent two warning letters.
- William Sipes property on Fisherman's Cove – property owner is operating a boat repair service on residential property that was grandfathered when countywide zoning was approved; however, the business has been expanded which is prohibited by the Zoning Ordinance. Mr. Sipes' can apply for a permit for the expansion but certain criteria must be met. The property owner has been contacted but refuses to comply.

Neighbor Cae Whitehurst was present, along with Realtor Jane Frye, who informed the Board that Mr. Sipes had turned his property into a junkyard and intentionally cut down trees to make his property more visible to neighbors as retaliation for complaints. Ms. Frye added that Mr. Sipes' property was the reason Ms. Whitehurst's lakefront home had not sold since being placed on the market in 2011.

Commissioner Robertson suggested staff speak to these property owners directly before moving forward with further action and felt staff should take a deputy along with them if needed. In the William Sipes' case, he felt Mr. Sipes' should be informed that he must return his business to the status that was grandfathered when countywide zoning was adopted or apply for the expansion permit. Further action can then be taken once contact is made if the property owners still refuse to comply.

MOBILE HOME PARKS

Seth Harris, County Planner, and Lynn Teague, Chief Code Enforcement Officer, discussed several mobile home parks with unsafe dwellings, which included:

- Kerley Road MHP – the property owner attended a hearing with staff and was informed of needed repairs. One home has been repaired and is now being rented but no further repairs have been made in several months.

- Jolly MHP on Highway 16 North – only one home is currently livable and the rest have been stripped of wiring, insulation, etc. The property has recently been sold and staff is attempting to locate new owners.
- Frank Smith MHP on Highway 16 North – several homes are infested with termites, have leaking roofs, and holes in the floor. The property owner has no intentions to improve the dwellings and continues to rent them.

Mr. Teague advised that the NC General Statutes gave staff the authority to condemn properties on the spot; however, such action left people homeless. Staff usually requests renters to inform them when they leave the home so that it can be condemned while vacant but most never call back.

Larissa Erkman, County Attorney, also pointed out that the County did not have a minimum housing code which would help tremendously.

Commissioner Robertson suggested allowing the property owners a specified amount of time, determined by the property owner and staff, to repair the homes and if the timeframe is not met, power is turned off and the dwelling is then condemned.

Vice-Chairman Yoder felt these living conditions were unhealthy and that statutes and ordinances should be enforced. He also felt the Board should consider a minimum housing code if it would eliminate these problems.

BOARD OF ADJUSTMENT HEARING REPORT

Seth Harris, County Planner, reported that the Planning & Zoning Commission, which also serves at the County Board of Adjustment, would hear an appeal from the Herman Road citizens on August 15, 2013 at 6:00 PM at the CVCC / Alexander Center.

ATTORNEY'S REPORT

Larissa Erkman, County Attorney, informed the Board that she would be working closely with County staff to make sure there were no loopholes in the policies and ordinances to address these and future properties. She also stated that these cases were currently being heard in criminal court, noting that she would like to see that changed and cases heard in civil court which would take less time.

ADDITIONAL COMMENTS

Commissioner Robertson mentioned using prison labor to help clear these lots once staff was at that point.

Vice-Chairman Yoder requested the Board compare our Dollar General Store with the ones in Claremont and Statesville and felt a future meeting was needed to discuss building codes. Commissioner Mayberry agreed.

Chairman Jennings added that staff had a lot on their plate and that this was the first step in a very long process.

Cae Whitehurst suggested the County fine landlords who rent unlivable properties to citizens.

ADJOURNMENT

There being no further discussion, Vice-Chairman Yoder made a motion to adjourn at 7:13 PM. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

James H. Jennings, Chairman

Jamie M. Starnes, Clerk to the Board